

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – State Audit Department – Allegation of corruption against Sri A.Subba Rao, Assistant Audit Officer (Retd.) – Trapped by the ACB – Convicted on 25.02.2006 – Criminal Appeal No.284/2006 dt.03.03.2006 filed by the Accused Officer – Imposition of punishment of withholding of 100% pension and gratuity on Sri A. Subba Rao, Assistant Audit Officer (Retd.) as per Rule 9 of A.P.Revised Pension Rules, 1980 – Orders – Issued.

FINANCE (ADMN.II) DEPARTMENT

G.O.Rt.No. 999

Dated:10-03-2010

Read the following:-

1. DG,ACB Lr.No.13/RCT-NZB/2000 dt.07.02.2000.
2. Final report of DG,ACB Lr.No.Rc.13/RCT-NZB dt.5.6.2000.
3. Govt.Memo.No.259/106/A1/Admn.II/2000 dt.13.06.2000.
4. G.O.Ms.No.188, Finance (Admn.II) Department dt.29.12.2000.
5. G.O.Rt.No.1256, Finance (Admn.I & Vig.) Deptt. dt.12.7.2001
6. DG,ACB Lr.No.13/RCT-NZB/2000-S4 dt.14.03.2006.
7. Govt.Memo.No.5786-F/536/A1/Admn.II/2005 dt.28.3.2006
8. Govt.Memo.No.5786-F/536/A1/Admn.II/2005 dt.06.04.2006
9. Interim Orders in O.A.No.3401 of 2006 filed by Sri A.Subba Rao, Asst. Audit Officer (Retd.) dt.2.6.2006
10. Final Judgement dt. 4.12.2009 in O.A.No.3401 of 2006 filed by Sri A.Subba Rao, Asst. Audit Officer (Retd.)

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ORDER:-

In the reference 1st read above, the DG, ACB has informed that Sri A.Subba Rao, Assistant Audit Officer and Sri B.Gangadhar, Senior Auditor, Local Fund, Z.P, Nizamabad, who were caught red-handed on 24.1.2000 while demanding and accepting a bribe of Rs.3000/- from Sri B.Bhooma Reddy, S/o Sai Reddy, a retired Head Master of Zilla Parishad High School, A.P.G.B.Colony, Kamareddy, Nizamabad District for showing official favour. Consequently, the individuals were kept under suspension vide DSA Progs.Roc.No.207/L1/2000 dt.7.2.2000. While under suspension, Sri A.Subba Rao Retired from service on the A.N. of 31.5.2002 and the Govt. in G.O.Rt.No.3193 Finance (Admn.II)Dept. dt.23-12-2002 sanctioned Rs.3915/- as provisional pension as per Rule 52(1)(a) of A.P.Revised Pension Rules, 1980 to him.

2. In the reference 2nd read above, the DG, ACB has furnished the final report and recommended for prosecution in the court of law for both the Accused Officers i.e. Sri A.Subba Rao (A2) and Sri B.Gangadhar (A). As such, the suspension period was continued in the reference 3rd read above.

3. In the reference 4th read above, orders were issued for the prosecution of Sri A.Subba Rao, Assistant Audit Officer, Local Funds, Zillaparishad, Nizamabad District under Sections 7,11 and 13(2) read with clause (d) of sub-section (1) of Sections 13 of prevention of Corruption Act, 1988 and for any other cognate offence punishable under any other provisions of law. The suspension period of Sri A.Subba Rao, Asst. Audit Officer was reviewed and orders were issued for further continuation of suspension in the reference 5th read above.

4. In the reference 6th read above, the D.G.ACB, Hyderabad has informed that the Prl.Spl.Judge for S.P.E. &A.C.B cases, Hyderabad pronounced judgment on 25-02-2006 in C.C.No.19 of 2001 convicting Sri A.Subba Rao and Sri B.Gangadhar to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- and requested to dismiss Sri B.Gangadhar from service immediately and to take action to withhold the pension etc. in full permanently in respect of Sri A.Subba Rao, who retired on 31-05-2002. Based on the above judgment, Government have directed the Director of State Audit in the reference 7th read above, to comply with the Judgement in respect of Sri B.Gangadhar, who is in service.

5. In respect of Sri A. Subba Rao, Assistant Audit Officer (Retd.), a final show cause notice was issued to Sri A. Subba Rao, Assistant Audit Officer (Retd.) to show cause as to why punishment of withholding of 100% pension and gratuity should not be imposed on him under Rule 9 of A.P.R.P.Rs.1980.

6. In the reference 9th read above, while enclosing a copy of interim orders dt.22-06-2006 of A.P.A.T in O.A.No.3401/06 filed by Sri A. Subba Rao, Assistant Audit Officer (Retd.) alongwith his representation dt.26-06-2006 requested to continue his pension till the final disposal of C.A.No.284 of 2006 in Hon'ble High Court of A.P. In his letter the Director of State Audit has informed that the individual was informed vide his Memo.Roc.no.207/L1/2000, dt.6-07-2006 that Government was competent authority to take suitable action as Government have sanctioned provisional pension to the individual. Further, the VMA No.1376/2006 was filed by the Director of State Audit in the Hon'ble APAT praying for the vacation of interim orders dt.22-06-2006 of APAT passed in O.A.No.3401/06. In the reference 10th read above, the Hon'ble A.P.A.T. in their final orders dt.4-12-2009 in O.A.No.3401/06 filed by Sri A. Subba Rao with VMA No.1376/06 has dismissed the O.A. for default and observed that the VMA stood disposed off. Therefore, explanation of the Charged Officer to the show-cause notice has been considered ex parte.

7. In view of the dismissal of O.A.No.3401/2006 filed by Sri A. Subba Rao, Assistant Audit Officer and in view of the judgement of Prl.Spl.Judge for S.P.E. & A.C.B cases, Hyderabad pronounced judgment on 25-02-2006 in C.C.No.19 of 2001 for conviction, Government hereby impose a punishment of withholding of 100% pension and gratuity on Sri A. Subba Rao, AAO (Retd.) as per Rule 9 of A.P.R.P.Rs.1980.

8. The Director of State Audit is requested to take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**L.V.SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT (FP)**

To

The individual through the Director of State Audit, AP Hyderabad
 The Director of State Audit, AP Hyderabad.
 The Pay and Accounts Officer, Hyderabad.
 The District Treasury Officer, AP Hyderabad.
 The Accountant General, AP, Hyderabad.
 The SF/SC

::FORWARDED BY ORDER::

SECTION OFFICER